



#17
PATENT EX(3)
Docket No.: 19603/3306 (CRF D-2136B) *appeal*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Collmer et al.
Serial No. : 09/597,513
Cnfrm. No. : 5828
Filed : June 20, 2000
For : DNA ENCODING *PSEUDOMONAS*
SYRINGAE HYPERSENSITIVE RESPONSE
ELICITOR AND ITS USE

Examiner:
A. Kubelik

Art Unit:
1638

RECEIVED
DEC 26 2002
TECH CENTER 1600/2900

**NOTICE OF APPEAL
AND
REQUEST FOR THREE-MONTH EXTENSION OF TIME**

U.S. Patent and Trademark Office
P.O. Box 2327
Arlington, VA 22202
BOX: AF

Dear Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the Primary Examiner's decision dated **June 17, 2002**, finally rejecting claims 1-10.

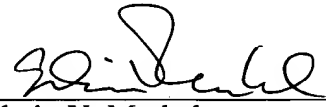
Applicants hereby request an extension of time of three months from the due date of **September 17, 2002**. Enclosed is a check to cover both the **\$460.00** extension of time fee and the **\$160.00** appeal fee.

Please charge any additional fees which may be required or credit any overpayment to Deposit Account No. 14-1138. A duplicate copy of this form is attached.

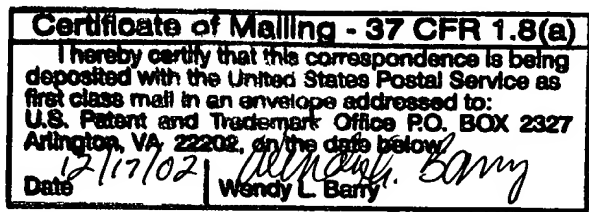
12/23/2002 CV0111 00000034 09597513
01 FC:2401 160.00 OP
02 FC:2253 460.00 OP

Respectfully submitted,

Dated: December 17, 2002


Edwin V. Merkel
Registration No. 40,087

NIXON PEABODY LLP
Clinton Square, P. O. Box 31051
Rochester, New York 14603-1051
Telephone: (585) 263-1128
Facsimile: (585) 263-1600



11/1600



PATENT

Docket No.: 19603/3306 (CRF D-2136B)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Collmer et al.

Serial No. : 09/597,513

Cnfrm. No. : 5828

Filed : June 20, 2000

For : DNA ENCODING *PSEUDOMONAS*
SYRINGAE HYPERSENSITIVE RESPONSE
ELICITOR AND ITS USE

Examiner:

A. Kubelik

Art Unit:

1638

RECEIVED

DEC 26 2002

TECH CENTER 1600/2900

U.S. Patent and Trademark Office
P.O. Box 2327
Arlington, VA 22202
Box: AF

Sir:

Transmitted herewith in the above-identified application are:

- ☒ Notice of Appeal and Request for Three-Month Extension of Time;
- ☒ A check in the amount of \$620.00 to cover the Notice of Appeal and extension of time fees; and
- ☒ A self-addressed, prepaid postcard for acknowledging receipt.

- ☒ The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 14-1138.

A duplicate copy of this sheet is enclosed.

Date: December 17, 2002

Edwin V. Merkel
Registration No. 40,087

Nixon Peabody LLP
Clinton Square, P.O. Box 31051
Rochester, New York 14603
Telephone: (585) 263-1128
Facsimile: (585) 263-1600

C r t i f i c a t e o f M a i l i n g - 37 C F R 1 . 8 (a)	
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: U.S. Patent and Trademark Office P.O. BOX 2327 Arlington, VA 22202, on the date below.	
Date <u>12/17/02</u>	<u>Wendy L. Barry</u> Wendy L. Barry